

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

**FILED**

JUN - 5 2012

WILLIAM B. GUTHRIE  
Clerk, U.S. District Court  
By Deputy Clerk

(1) JAMES DUM, and  
(2) MARY DUM,

Plaintiffs,

vs.

(1) STATE FARM MUTUAL  
AUTOMOBILE COMPANY, a foreign  
corporation,

Defendant.

Case No. CIV 12 - 248 - SPS

**NOTICE OF REMOVAL**

The Petitioner, State Farm Mutual Automobile Insurance Company ("State Farm"), Defendant in the above-captioned case, states the following:

1. The above-entitled cause was commenced in the District Court of Muskogee County, entitled James and Mary Dum v. State Farm Mutual Automobile Insurance Company, Case No. CJ-2012-205. Process was served upon State Farm by serving the Oklahoma Insurance Department by certified mail on May 8, 2012. A copy of Plaintiff's Petition setting forth the claim for relief upon which the action is based is attached hereto and marked Exhibit 1. A copy of the Summons served upon State Farm is attached hereto and marked Exhibit 2.

2. State Farm's principal place of business is in the State of Indiana, and it is incorporated in the State of Indiana. Plaintiffs are citizens and residents of the State of Oklahoma. (See Plaintiff's Petition, p. 1, ¶ 1, Exhibit 1). Plaintiffs' cause of action is for alleged breach of automobile insurance policies and alleged breach of the duty of good faith and fair dealing. The matter in controversy between Plaintiffs and Defendant, according to Plaintiffs' demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interests and costs. (See Plaintiffs' Petition, pp. 2-3, Exhibit 1).

3. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 (1992), by reason of the fact that this is a civil action wherein the amount in controversy, according to Plaintiffs' demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00),

exclusive of interest and costs and is between citizens of different states. Accordingly, this action may be removed by State Farm pursuant to 28 U.S.C. § 1441(a).

4. This Notice of Removal is filed in this Court within thirty (30) days after May 8, 2012, the date State Farm was served with a copy of Plaintiffs' Petition, which was the initial pleading setting forth the claim for relief upon which this is based. (*See* Summons, Exhibit 2).

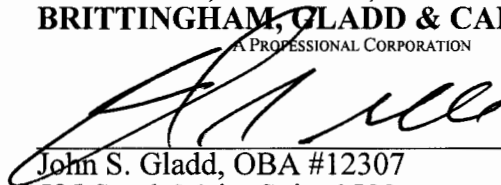
5. Copies of all process, pleadings, and Orders served upon Defendant, State Farm, have been attached hereto as Exhibit 3. Pursuant to LCvR 81.2 a copy of the state court docket sheet is attached as Exhibit 4.

**WHEREFORE**, Defendant, State Farm, prays that this action be removed.

Dated this 5<sup>th</sup> day of June, 2012.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,  
BRITTINGHAM, GLADD & CARWILE**  
A PROFESSIONAL CORPORATION

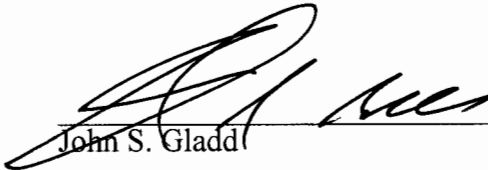


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**CERTIFICATE OF SERVICE**

I hereby certify that on the 5<sup>th</sup> day of June, 2012, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Mr. Paul T. Boudreaux  
Attorney at Law  
7447 S. Lewis Ave.  
Tulsa, Oklahoma 74136  
Attorney for Plaintiff

  
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John S. Gladd